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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,364	04/19/2001	David A. Cordray	AUS920010146US1	9238

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

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DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,364

Applicant(s)

CORDRAY ET AL.

Examiner

Jean B Fleurantin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-11,13-17,19,20,22-27 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-11,13-17,19,20,22-27 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1, 3-4, 6-11, 13-17, 19-20, 22-27 and 29-36 remain pending for examination.

Response to Arguments

2. Applicant's arguments filed February 24, 2004 have been fully considered but they are not persuasive. Because of the following reasons:

In response to applicant's argument on pages 14, that Doeberl does not teach "selective saving a portion of the unsaved cookies within the list of unsaved cookies, to a permanent data storage." It is submitted, that Paltenghe does not explicitly disclose "selective saving a portion of the unsaved cookies within the list of unsaved cookies, to a permanent data storage."

However, Doeberl discloses the user activates the cookie editor in the file mode, in which the cookie editor then presents to the user an interpreted display of each cookie in the cookie file, (col. 5, lines 25-32); and both the cookie blocking browsers and cookie file managers indicate to a user the identity of the website responsible for each cookie intended to be set or stored in the cookie file, (see col. 2, lines 18-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Paltenghe and Doeberl with list of cookies. Such modification would allow the teachings of Paltenghe and Doeberl to improve the accuracy of the delayed storage of cookies with approval capability.

In response to applicant's argument that "neither Paltenghe nor Doeberl, either alone or in combination, teaches or suggests "presenting a list of unsaved cookies and selectively saving cookies with the list of cookies in response to a user input as to which of the cookies are to be

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saved,” the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Doeberl discloses the user activates the cookie editor in the file mode, in which the cookie editor then presents to the user an interpreted display of each cookie in the cookie file, (col. 5, lines 25-32); and both the cookie blocking browsers and cookie file managers indicate to a user the identity of the website responsible for each cookie intended to be set or stored in the cookie file, (see col. 2, lines 18-20).

MPEP 2111 Claim Interpretation; Broadest Reasonable Interpretation

During patent examination, the pending claims must be “given the broadest reasonable interpretation consistent with the specification” Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541, 550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the “PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their

ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 6-11, 13-17, 19-20, 22-27 and 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,421,729 issued to Paltenghe et al. (hereinafter "Paltenghe") in view of U.S. Patent No. 6,237,033 issued to Doeberl et al. (hereinafter "Doeberl").

As per claims 1 and 17, Paltenghe discloses a method in a data processing system for managing cookies (see col. 2, lines 20-22), "receiving a request to accept a cookie" as configured browser on the user's PC 4 then asks the user 6 whether it is okay to accept the cookie, (see col. 7, lines 7-9);

"accepting the cookie" as the user accepts the cookie, (see col. 7, line 40); and

“storing the cookie only in a temporary data store within the data processing system” as the system for an embodiment makes use of application software such as an electronic or virtual wallet and the cookie jar resides in the electronic or virtual wallet ‘an electronic wallet is an embodiment of software acting as a container’, (see col. 6, lines 16-25). Further, in column 8, lines 24-31, Paltenghe discloses the browser forward the cookie data to the virtual or electronic wallet 12, which stores the cookie data in the cookie jar 10 resident in the electronic wallet, at S28 when the user 6 returns to the website, the web server 2 requests that its cookie be returned at S29. Paltenghe does not explicitly discloses “presenting a list of unsaved cookies”; and “selectively saving cookies within the list of unsaved cookies in response to a user input as to which of the cookies are to be saved.” However, Doeberl discloses the user activates the cookie editor 13 in the file mode, in which the cookie editor then presents to the user an interpreted display of each cookie in the cookie file 10, (col. 5, lines 25-32); and both the cookie blocking browsers and cookie file managers indicate to a user the identity of the website responsible for each cookie intended to be set or stored in the cookie file, (see col. 2, lines 18-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined teachings of Paltenghe and Doeberl with list of cookies. Such modification would allow the teachings of Paltenghe and Doeberl to provide information about a user to a website operated by the internet content provider, (see col. 1, lines 9-10).

As per claim 3, Paltenghe discloses, “wherein the receiving, accepting, and storing steps are performed in a browser executing on the data processing system” as the access website server 2 requests permission to load a cookie in the hard drive of the user’s pc 4, at S13 if the user 6 does not accept the cookie, the accessed website server 2 does not place a cookie on the

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hard drive of the user's pc 4, (see col. 7, lines 30-35). Further, in column 8, lines 13-18, Paltenghe discloses the website server requests permission to write data to the cookie storage on the user's PC 4, at S23, the request is passed from the browser 8 to the cookie jar 10, which resides in the electronic or virtual wallet 12, and the virtual wallet asks the user 6 if it is okay for the particular website server to store a cookie.

As per claims 4 and 20, in addition to the discussion in claim 1, Paltenghe further discloses, "a method further comprises discarding the cookie when the browser terminates execution", (see col. 9, lines 62-64).

As per claims 6 and 22, Paltenghe discloses, "wherein the presenting step and selectively saving step are initiated when a browser session terminates", (see col. 7, lines 27-29).

As per claims 7 and 23, Paltenghe discloses, "wherein the presenting step and selectively saving step are initiated in response to a user input (see col. 9, lines 62-64).

As per claims 8, 24 and 27, Paltenghe discloses, "wherein the temporary data store is one of a random access memory or a temporary file on a hard disk drive" as cookies are stored in a plain text file on the hard drive of the user's pc, where the browser software is installed, (see col. 6, lines 60-62).

As per claims 9 and 25, in addition to the discussion in claim 1, Paltenghe further discloses "discarding the cookie after the browser program session terminates" as if user 6 does not accept the cookie, in which the accessed website server 2 does not place a cookie on the hard drive of the user's pc, (see col. 7, lines 32-34).

As per claims 10 and 26, the limitations of claims 10 and 26 are rejected in the analysis of claim 1, and these claims are rejected on that basis.

As per claim 11, the limitations of claim 11 are rejected in the analysis of claim 8, and this claim is rejected on that basis.

As per claims 13 and 29, Paltenghe discloses, "wherein the presenting step is activated in response to a signal to terminate the browser program session", (see col. 8, lines 26-31).

As per claims 14 and 30, in addition to the discussion in claim 1, Paltenghe further discloses "accepting and accumulating cookies without immediately saving the cookies during a session" as the user's PC 4 with the browser 8 which is configured by the user 6 to ask for permission before accepting a cookie, (see col. 7, lines 27-29). Further, in column 8, lines 24-26, Paltenghe discloses if the user 6 accepts the cookie, in which the cookie data is sent by the web server 2 to the browser 8 on the user's PC 4.

As per claim 15, in addition to the discussion in claim 1, Paltenghe further discloses "a bus system", (see figure 1, col. 6, lines 65-66);

"a communications unit connected to the bus system", (see figure 1, col. , lines 64-67);

"a memory connected to the bus system, wherein the memory includes a set of instructions" as a software application resident on the PC normally referred to as a browser, sends a request to a server and the server issues a response in which it returns a Hypertext Markup Language document to the PC's browser, the transfer of a cookie takes place as a part of the HTTP transaction process, the website server transmits a cookie to the PC's browser along with the rest of the HTML document requested, the browser then stores the cookie on the individual PC's hard drive, (see col. 1, lines 58-67); and

“a processing unit connected to the bus system” as a system and method for controlling the transmission of information stored on electronic media to internet websites accessed by consumers, (see col. 5, lines 445-48).

As per claim 16, in addition to the discussion in claim 9, Paltenghe further discloses “a bus system”, (see figure 1, col. 6, lines 65-66);

“a communications unit connected to the bus system”, (see figure 1, col. , lines 64-67);

“a memory connected to the bus system, wherein the memory includes as set of instructions” as a software application resident on the PC normally referred to as a browser, sends a request to a server and the server issues a response in which it returns a Hypertext Markup Language document to the PC's browser, the transfer of a cookie takes place as a part of the HTTP transaction process, the website server transmits a cookie to the PC's browser along with the rest of the HTML document requested, the browser then stores the cookie on the individual PC's hard drive, (see col. 1, lines 58-67); and

“a processing unit connected to the bus system” as a system and method for controlling the transmission of information stored on electronic media to internet websites accessed by consumers, (see col. 5, lines 445-48).

As per claim 19, Paltenghe discloses ,“wherein the receiving, accepting, and storing means are formed operate with browser executing on the data processing system” as the access website server 2 requests permission to load a cookie in the hard drive of the user's pc 4, at S13 if the user 6 does not accept the cookie, the accessed website server 2 does not place a cookie on the hard drive of the user's pc 4, (see col. 7, lines 30-35). Further, in column 8, lines 13-18, Paltenghe discloses the website server requests permission to write data to the cookie storage on

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the user's PC 4, at S23, the request is passed from the browser 8 to the cookie jar 10, which resides in the electronic or virtual wallet 12, and the virtual wallet asks the user 6 if it is okay for the particular website server to store a cookie.

As per claims 31 and 32, in addition to the discussion in claim 1, Paltenghe further discloses "first instructions for receiving a request to accept a cookie" as the user's PC 4 with the browser 8 which is configured by the user 6 to ask for permission before accepting a cookie; which is readable as first instructions for receiving a request to accept a cookie, (see col. 7, lines 27-29);

"second instructions for accepting the cookie" as the user accepts the cookie, (see col. 7, line 40); and

"third instructions for storing the cookie only in a temporary data store within the data processing system" as the browser forward the cookie data to the virtual or electronic wallet 12, which stores the cookie data in the cookie jar 10 resident in the electronic wallet, at S28 when the user 6 returns to the website, the web server 2 requests that its cookie be returned at S29, (see col. 8, lines 24-31).

As per claim 33, in addition to the discussion in claim 1, Paltenghe further discloses "a computer program product in a computer readable medium for managing cookies in a data processing system, the computer program product comprises first instruction for accepting and accumulating cookies without immediately saving the cookies during a session" as the user's PC 4 with the browser 8 which is configured by the user 6 to ask for permission before accepting a cookie, (see col. 7, lines 27-29). Further, in column 8, lines 24-26, Paltenghe discloses if the

user 6 accepts the cookie, in which the cookie data is sent by the web server 2 to the browser 8 on the user's PC 4; and

“second instructions for selectively saving the cookies accumulated during the session” as instead of writing cookies to the hard disk of the user's pc 4 on which the user's browser 8 is installed, the cookies are stored in the user's electronic wallet, (see col. 7, lines 58-61).

As per claims 34, 35 and 36, in addition to the discussion in claims 1 and 9, Paltenghe further discloses, “displaying, in response to a signal to terminate the browser session, a list of cookies temporarily stored during the browser session”, (see col. 6, lines 60-62); and

“storing at least one selected cookie in persistent storage in response to user input of a selection from the displayed list” as instead of writing cookies to the hard disk of the user's pc 4 on which the user's browser 8 is installed, the cookies are stored in the user's electronic wallet, (see col. 7, lines 58-61).

[remainder of page intentionally left blank]

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

[remainder of page intentionally left blank]

CONTACT INFORMATION

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Fleurantin whose telephone number is 703-308-6718.


The examiner can normally be reached on 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John B Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean Bolte Fleurantin

May 12, 2004


SHAHID ALAM
PRIMARY EXAMINER